

**567—150.8(455B) Decision of the commission.**

**150.8(1) *Issuance of decision.*** Upon the close of the record, the commission shall expeditiously, but no later than 180 days after acceptance of the application, render a written decision with complete determinations as to the facility siting criteria and other necessary findings of fact and conclusions of law which support the decision. The extent to which other agency permits or permit conditions shall be made a part of the site license shall be included in the decision. The presumption is that other agency requirements will be included in a license, and justification shall be given if they are not.

**150.8(2) *Decisional criteria.*** In addition to or clarification of the criteria specified in 455B.448, the commission will base its decision on the following:

*a.* Whether the service and operations resulting from the construction of the facility are required by the present and future public interest. Such determination shall include:

- (1) Each potential user's current and projected need for treatment, storage or disposal facilities;
- (2) The public health, environmental, social and economic advantages, disadvantages, and risks associated with alternative methods of meeting the established need; and
- (3) The advantages, disadvantages, and risks to the public and the environment of the replacement of existing facilities.

*b.* Whether the construction, maintenance, and operation of the proposed facility will minimize adverse impact on:

- (1) Public health and welfare;
- (2) Air quality, surface and groundwater quality, wildlife and wildlife habitat, and soils;
- (3) Parks and recreational areas, residential and commercial areas, and landmarks of historic, religious, archaeological, scenic or other cultural considerations;
- (4) Land use, tax base, public obligations for services, employment or local economic considerations.

*c.* Whether the proposed methods of treatment, storage or disposal are reasonable choices considering available technology and the economics of available alternatives. Emphasis shall be placed on alternatives to land burial of hazardous waste in the following order: source reduction, reuse, resource recovery, incineration, and detoxification.

*d.* Whether the proposed site represents a reasonable choice among available alternatives considering its impact on the factors listed in paragraph 150.8(2) "b."

*e.* Whether the facility will be constructed, maintained and operated in accord with accepted good engineering practice to ensure, as far as reasonably possible, protection of the public health and the environment.

*f.* Whether the proposed facility complies with applicable city, county or airport zoning requirements, and if not, whether the location of the proposed facility at the proposed site is reasonably justified.

*g.* Whether (to the extent consistent with the site licensing authority) the applicant complies with the requirements of regulatory agencies. Failure of the applicant to make timely application for and obtain permits or other approvals may be considered by the commission as evidence of the unsuitability of the facility for the location. Similarly, failure of agencies to make timely review of applications or make an adequate record in the proceeding may be considered by the commission as reason to supersede such licensing requirements by issuance of a site license without consideration or incorporation of such requirements.

*h.* Whether the applicant is willing and able to construct, maintain, and operate the facility in accordance with the provisions of the site license and anticipated operating permits through the life of the site.

**150.8(3) *License.*** Unless the decision is to deny the site license, a license in accordance with the decision shall be issued along with the decision. License conditions shall include, but need not be limited to, the following:

- a.* Site boundaries and a description of approved facilities and processes.
- b.* Wastes allowed.
- c.* A construction schedule which if not adhered to voids the license.

- d.* A limitation on transfer, in accordance with 150.10(455B).
- e.* Incorporation of regulatory agency permits or requirements, consistent with the decision. The license shall specify that the licensee remains subject to the jurisdiction of those regulatory agencies whose permits or requirements were incorporated in the license, to the extent incorporated, and that future renewals of operation or other permits incorporated shall be through the respective regulatory agency.
- f.* If land burial of hazardous waste is involved, payment of the surcharge tax in accordance with Iowa Code section 455B.455 shall be a condition.